

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/982,337 Confirmation No. 6724
Appellants : Todd Ouzts, et al.
Filed : 10/18/2001
Group Art Unit : 2173
Examiner : Dennis G. Bonshock
Title : METHOD FOR GRAPHICAL REPRESENTATION OF A CONTENT :
COLLECTION
Atty. Docket No. : 148466.01/MFCP.88143
Customer No. : 45809

VIA EFS – 13 November 2007

PETITION UNDER 37 C.F.R. § 41.3

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Chief Administrative Patent Judge:

This is a Petition from a Notification of Non-Compliant Appeal Brief mailed 30 October 2007, requiring a summary for each dependent claim argued separately.

Statement of Facts

An appeal brief from an Office Action mailed on 16 January 2007 was filed with the PTO on 17 August 2007. In the appeal brief each independent was summarized. On 30 October 2007, a Non-Compliant Appeal Brief was mailed to require Appellant to provide a summary for each dependent claim argued separately.

Points

Title 37 C.F.R. § 41.37(c)(1)(v) does not require a summary for each dependent claim argued separately. That section has two sentences. The first sentence relates to all claims, and only requires summarizing the material claimed in the independent claims (which we have done). But the second sentence relates only to means-plus-function claims, requiring that the means portion of each dependent claim argued separately be summarized. The relevant claims (17, 18, 19, and 20) at issue are not means claims. Thus, the second sentence does not apply, and Appellant's Appeal Brief submitted on 17 August 2007 is already compliant. This interpretation is consistent with checkbox 4 of the Non-Compliant Appeal Brief form. Appellant's Appeal Brief filed on 17 August 2007 does not violate 37 C.F.R. § 41.37(c)(1)(v).

Relief

Appellant respectfully requests a patent-term credit for any delay stemming from the Office's Notice of Noncompliant Appeal Brief. This petition is accompanied with the fee set forth in 37 C.F.R. § 41.20(a). The Commissioner is hereby authorized to charge any additional fee that may be due, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

/MONPLAISIR HAMILTON/

Monplaisir Hamilton
Reg. No. 54851

Date: 13 November 2007.

SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, Missouri 64108-2613
Telephone (816) 474-6550
Facsimile (816) 421-5547